

S
364.64
P1r
1971

MONTANA LEGISLATIVE
CONVENTION

STATE DOCUMENTS

ANNUAL REPORT
OF THE
STATE BOARD OF PARDONS

PLEASE RETURN

TO THE
GOVERNOR OF MONTANA
HONORABLE FORREST H. ANDERSON

MONTANA STATE LIBRARY
930 East Lynwood Avenue
Helena, Montana 59601

FOR THE
FISCAL YEAR ENDED
June 30, 1971

STATE OF MONTANA



FORREST H. ANDERSON, GOVERNOR

BOBBY C. MILES, DIRECTOR
INTERSTATE COMPACT ADMINISTRATOR
DEER LODGE



GEORGE VUCANOVICH, CHAIRMAN
HELENA

FLOYD C. HAMILTON, MEMBER
LIVINGSTON

JOHN L. PETERSON, MEMBER
BUTTE

BOARD OF PARDONS

PHONE 846-1404 --- 1119 MAIN STREET
DEER LODGE, MONTANA 59722

October 15, 1971

The Honorable Forrest H. Anderson
Governor
State of Montana
Helena, Montana 59601

Dear Governor Anderson:

In accordance with the requirements of Section 82-4002, R.C.M., 1947, there is herewith transmitted to you the report of the Montana Board of Pardons, covering the fiscal year ended June 30, 1971.

Major accomplishments during the year included:

1. Reduced our average caseload per officer from 80 subjects per month to 69 per month in the last fiscal year.
2. Increased existing services to Montana's Judicial District Courts, law enforcement agencies and state agencies by adding three additional field parole officers to the staff.
3. We supervised more probationers and parolees than the previous year without any notable increase in recidivism rate.

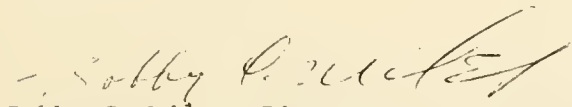
Recommendations to facilitate the achievement of goals include:

1. The acquisition of an education and training officer to be responsible for job orientation, in-service training and staff development in Deer Lodge, Montana.
2. A sound volunteer parole or probations counselor program to assist efforts of Board of Pardons.

3. A no-interest loan program for new releasee to provide him with basic necessities.
4. A statistical and evaluative research project to obtain information that will show the Board of Pardons their current status and help them in the future.

Respectfully submitted,

BOARD OF PARDONS


Bobby C. Miles, Director



Digitized by the Internet Archive
in 2011 with funding from
Montana State Library

TABLE OF CONTENTS

Principal Offices and Officers.....	2
-------------------------------------	---

General Review:

Legal References.....	3-15
Principal Goals.....	15-16
Program Inventory and Cost Summary.....	17
Major Accomplishments.....	18-19
Major Recommendations.....	19-22

Detailed Review:

Program Descriptions.....	23-29
Services Provided; Objectives; Target Groups; Achievements; and Cost and Performance Summary	
Financial Recap.....	30

PRINCIPAL OFFICES AND OFFICERS

OFFICER	ADDRESS
TERM OF OFFICE	
John L. Peterson, Chairman 8-5-69 to 4-1-73	27 West Broadway Butte, Montana
John R. Glenn, Vice-Chairman 4-1-71 to 4-1-77	Box 1002 Billings, Montana
Henry E. Burgess, Secretary 7-8-71 to 4-1-75	Carroll College Helena, Montana

PRINCIPAL ADMINISTRATIVE OFFICER

Bobby C. Miles, Director

PRINCIPAL OFFICE

1119 Main Street
Deer Lodge, Montana 59722

LEGAL REFERENCES

GENERALLY:

The statutes relating to the operations of the Montana Board of Pardons are for the most part contained in Title 94, Chapter 98 of the Revised Codes of Montana, Volume 8; the section numbers are 94-9801 through 94-9851.

94-9821. ACT, HOW CITED. This act shall be known and may be cited as the "Probation, Parole and Executive Clemency Act."

94-9822. BOARD OF PARDONS - ORGANIZATION. There is hereby created a state board of pardons, hereinafter referred to as the "board," consisting of three (3) members who shall be appointed by the governor with the advice and consent of the Senate. The board shall administer the executive clemency, probation and parole system, and shall endeavor to secure the effective application and improvement of such system and the laws upon which it is based. The members of the board shall serve on a per diem basis and shall be paid at the rate of fifteen dollars (\$15.00) per day of service, plus actual and necessary expenses, and shall meet at least once each month at the state prison. The members of the board shall serve for terms of six (6) years, and until their successors are duly appointed and qualified, provided, however, that two (2) of those first appointed after this act takes effect shall serve for terms of two (2) and four (4) years, respectively. The governor shall appoint the members of the board and call a meeting thereof within thirty (30) days of the effective date thereof. The board shall immediately thereafter set up the system herein provided for, and make the necessary appointments of its director and other employees. Suitable quarters, supplies and equipment shall be provided. The principal office of the board shall be in Deer Lodge, Montana. A vacancy occurring before the expiration of any member's term of office shall be filled in the same manner for the unexpired

portion of said term. The governor may at any time, after notice and hearing, remove any member for neglect of duty, malfeasance, misfeasance or nonfeasance in office.

94-9823. DEFINITIONS. When used in this act, unless the content otherwise requires:

(a) "Probation" is the release by the court without imprisonment except as otherwise provided by law, of a defendant found guilty of a crime upon verdict or plea, subject to conditions imposed by the court and subject to the supervision of the board upon direction of the court.

(b) "Parole" is the release to the community of a prisoner by the decision of the board prior to the expiration of his term, subject to conditions imposed by the board and subject to its supervision.

(c) "Executive clemency" refers to the powers of the governor as provided by Section 9 of Article VII of the Constitution of the State of Montana.

94-9824. SEAL, ORDERS, RECORDS, REPORT. The board shall adopt an official seal of which the courts shall take judicial notice. A majority of the board shall constitute a quorum. Decision of the board shall not be reviewable except as to compliance of terms of this act. The board shall keep a record of its acts and decisions available to the public, providing, however, that all social records, including the pre-sentence report, the pre-parole report and the supervision history obtained in the discharge of the official duty by any member or employee of the board shall be confidential and shall not be disclosed directly or indirectly to anyone other than the members of the board or a judge; provided, however, that the board or court may in its discretion, whenever the best interest or welfare of a particular defendant or prisoner makes such action desirable or helpful, permit the inspection of the report or any parts thereof by the prisoner or attorney. The board shall report as provided in Section 82-4002.

94-9825. DIRECTOR AND EMPLOYEES - SALARIES TO BE PAID MONTHLY - APPROVAL AND AUDITING. The board shall appoint a state director of probation and parole, hereinafter referred to as the "director," who shall appoint, with the approval of the board, an assistant director, probation and parole officers and other employees required to administer the provisions of this act. The director shall receive an annual salary in such amount as may be specified by the legislative assembly in the appropriation to the board of pardons, payable monthly, which shall include compensations for all services rendered as Interstate Compact administrator. If the legislative assembly does not specify the maximum salary of the state director in appropriation to the board of pardons, it shall be fixed by the board after approval by the board of examiners. Before approving any salary increase, the board of examiners shall review the salaries of comparable positions in Montana state government, other states and private industry. All other officers and employees of the board shall receive such compensation for their services as may be fixed by the board. All officers and employees of the board shall hold office at the pleasure of the board and shall perform such duties as are imposed on them by law or by the board.

The salaries of all officers and employees of the board shall be paid monthly after such salaries have been approved by the board upon claims therefor.

94-9826. EXPENSES TO BE PAID. All expenses incurred by the board pursuant to the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the members thereof, its officers and employees, incurred while in business of the board, either within or without the state, shall, unless provided in this act, be paid from funds appropriated, after being approved by the board upon claims therefor.

94-9827. LEGAL ADVISER OF THE BOARD. The board may appoint any qualified attorney general to act as its legal adviser and represent it in all proceedings whenever so requested by the board.

94-9828. DUTIES OF THE DIRECTOR. The director shall be the executive officer of the board. He shall be responsible for such investigation and supervision as may be requested by the board or the courts. He shall, subject to the approval of the board, divide the state into districts, assign probation and parole officers to serve in the various districts and courts; he shall obtain office quarters for such staff in each district as may be necessary. He shall assign the secretarial, bookkeeping and accounting work to the clerical employees, including receipt and disbursements of money. He shall direct the work of the probation and parole officers and other employees assigned to him. He shall formulate methods of investigation, supervision, record keeping and reports. He shall conduct training courses for the class. He shall seek to cooperate with all agencies, public and private, which are concerned with the treatment or welfare of persons on probation or parole. He shall further be charged with the administration of the provisions of the Interstate Compact for the supervision of parolees and probationers.

94-9829. DUTIES OF PROBATION AND PAROLE OFFICERS. Probation and parole officers shall investigate all persons referred to them for investigation by the director of probation and parole or by any court to which they are instructed by the director to serve. They shall furnish to each person released under their supervision a written statement of the conditions of probation or parole and shall instruct him regarding same. They shall keep informed of the conduct and condition of each person released under their supervision and use all suitable methods to aid and encourage him to bring about improvement in his conduct and condition. Probation and parole officers shall keep detailed records of their

work. They shall supervise the collection and disbursement of all monies when so instructed by the director in accordance with the orders of the court. They shall make such reports in writing as the director may require.

94-9830. CONDITIONS OF PROBATION OR SUSPENSION OF SENTENCE. The board may adopt general rules or regulations concerning the conditions of probation or suspension of sentence. Such conditions imposed by a court. Nothing herein contained shall limit the authority of the court to impose or modify any general or specific conditions of probation or of suspension of sentence.

The probation and parole officer may recommend, and by order duly entered a court may modify, any condition of probation and parole, suspension of sentence at any time. Due notice shall be given to the probation and parole officer before any such conditions are modified, and he shall be given an opportunity to be heard. The court shall cause a copy of any such order to be delivered to the probation and parole officer and the probationer.

94-9831. ARREST - SUBSEQUENT DISPOSITION. At any time during probation or suspension of sentence a court may issue a warrant for the arrest of the defendant for violation of any of the conditions of release, or a notice to appear to answer to a charge of violation. Such notice shall be personally charged upon the defendant. The warrant shall authorize all officers named therein to return such defendant to the custody of the court or to any suitable detention facility designated by the court. Any probation and parole officer may arrest such defendant without a warrant, or may deputize any other officer with power of arrest to do so by giving him a written statement setting forth that the defendant has, in the judgment of said probation and parole officer, violated the conditions of his release. Such written statement delivered with the defendant by the arresting officer to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of the defendant. The proba-

tion and parole officer, after making an arrest, shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with crime shall be applicable to the defendants arrested under these provisions.

Upon such arrest and detention, the probation and parole officer shall immediately notify the court with jurisdiction over such prisoner, and shall submit in writing a report showing in what manner the defendant has violated the conditions of release. Thereupon, or upon an arrest by warrant as hereby provided, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charged. The hearing may be informal or summary. If the violation is established, the court may continue to revoke the probation or suspension of sentence, and may require him to serve the sentence imposed, or any lesser sentence, and if imposition of sentence was suspended, may impose any sentence which might originally have been imposed.

A probationer or defendant under suspension of sentence for whose return a warrant has been issued by the court shall, after the issuance of the warrant, if it is found that such warrant cannot be served, be deemed a fugitive from, or to have fled from, justice. If it shall appear that he has violated the provisions of his release, whether the time from the issuing of such warrant to the date of his arrest, or any part of it, shall be counted as time served on probation or suspended sentence, shall be determined by the court.

94-9832. PAROLE AUTHORITY AND PROCEDURE. The board shall release on parole any person confined in the Montana state prison, except persons under sentence of death, when in its opinion there is reasonable probability that the prisoner can be released without detriment to himself or the community, provided:

1. That no convict serving a time sentence shall be paroled until he shall have served at least one-quarter (1/4) of his full term, less good time allow-

ances off, as provided in Section 80-740; except that any convict serving a time sentence may be paroled after he shall have served upon his term of sentence, twelve and one-half (12½) years;

2. No convict serving a life sentence shall be paroled until he shall have served twenty-five (25) years, less the good time allowances off, as provided in Section 80-740. All paroles shall issue upon order of the board, duly adopted.

Within two (2) months after his admission and at such intervals thereafter as it may determine, the board shall consider all pertinent information regarding each prisoner, including the circumstances of his offense, his previous social history and criminal record, his conduct, employment and attitude in prison, and the reports of such physical and mental examinations as have been made.

Before ordering the parole of any prisoner, the board shall have the prisoner appear before it and shall interview him. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered a reduction of sentence or pardon. A prisoner shall be placed on parole only when the board believes that he is able and willing to fulfill the obligations of a law-abiding citizen. Every prisoner while on parole shall remain in the legal custody of the institution from which he was released, but shall be subject to the orders of the board.

The board may adopt such other rules not inconsistent with law as it may deem proper or necessary, with respect to the eligibility of prisoners for parole, the conduct of parole hearings or conditions to be imposed upon parolees. Whenever an order for parole is issued, it shall recite the conditions thereof.

94-9833. CONDITIONAL RELEASE. A prisoner having served one-fourth (1/4) of his term, less good time allowances, shall upon parole be deemed as released on parole until the expiration of the maximum term or terms for which he was sentenced, less good time allowances as provided in Section 80-740.

94-9834. INFORMATION FROM PRISON OFFICIALS. It shall be the duty of all prison officials to grant to the members of the board, or its properly accredited representatives, access at all reasonable times to any prisoner over whom the board has jurisdiction under this act, to provide for the board or such representatives facilities for communicating with and observing such prisoner, and to furnish to the board such reports as the board shall require concerning the conduct and character of any prisoner in their custody and any other facts deemed by the board in determining whether such prisoner shall be paroled.

94-9835. PERSONS MAY BE HEARD - COUNSEL. The board shall be required to hear oral statements from all persons desiring to be heard before the board and any person may be represented by counsel, provided that the board shall have the power to regulate procedure at all hearings.

94-9836. SUBPOENAS. The board shall have the power to issue subpoenas compelling the attendance of such witness and the production of such records, books, papers and documents as it may deem necessary for investigation of the case of any person before it. Subpoenas may be signed and oaths administered by the board or any member thereof. Subpoenas so issued may be served by any sheriff, constable, police officer, parole and probation officer, or other law enforcement officer. In case of contumacy by, or refusal of any person to obey a subpoena issued to such person, any member of the board or duly authorized representative of any of them may make application to any court of record in this state, and such court shall have jurisdiction to issue to such person an order requiring such person to appear before the board and there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; any failure to obey such order of the court may be punished by said court as a contempt thereof. Any person who shall without just cause fail or refuse to attend and testify, or to answer lawfully a lawful inquiry or to produce rec-

ords, books, papers and other documents, if it is in his power to do so, in obedience to a subpoena of the board or any member thereof, shall be punished by a fine of not more than two hundred dollars (\$200.00) or by imprisonment for not longer than sixty (60) days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

94-9837. RULES. The board shall have the power and duty to make rules for the conduct of persons heretofore or hereafter placed on parole or on probation under the supervision of the board by any court of this state, and for the investigation and supervision of such persons, except that the board shall not make any rule applying to a person on probation which conflicts with the conditions of probation imposed by the court.

94-9838. RETURN OF PAROLE VIOLATOR. At any time during release on parole or conditional release the board may issue a warrant for the arrest of the released prisoner for violations of any of the conditions of release, or a notice to appear to answer to a charge of violation. Such notice shall be served personally upon the prisoner. The warrant shall authorize all officers named therein to return such prisoner to the actual custody of the penal institution from which he was released, or to any other suitable detention facility designated by the board.

94-9839. SERVICE OF TERM FOR ADDITIONAL CRIME. Any prisoner who commits a crime while at large upon parole or conditional release and who is convicted and sentenced therefor, shall serve such sentence concurrently with the terms under which he was released, unless otherwise ordered by the court in sentencing for the new offense.

94-9840. DISCHARGE OF PRISONER, PAROLEE OR CONDITIONAL RELEASE. The period served on parole or conditional release shall be deemed service of the term of imprisonment, and subject to the provisions contained in Section 94-9838 re-

lating to a prisoner who is a fugitive from or has fled from justice, the total time served may not exceed the maximum term or sentence. When a prisoner on parole or conditional release has performed the obligations of his release, the board shall make a final order or discharge and issue a certificate of discharge to the prisoner.

94-9841. CASES OF EXECUTIVE CLEMENCY. The board shall investigate and report to the governor with respect to all cases of pardons, remissions of fines and forfeitures, and commutations of punishment after conviction and judgment for any offenses committed against the criminal laws of the state.

A majority of the board shall advise, investigate and approve each such case before the action of the governor shall be final. All applications for executive clemency shall be made to the board, which shall cause an investigation to be made of all the circumstances surrounding the crime for which the applicant was convicted, and as to the individual circumstances relating to social conditions of the applicant. If the board, or a majority thereof, approves such application for executive clemency, it shall advise the governor and recommend action to be taken.

94-9842. NOTICE OF HEARING APPLICATIONS FOR EXECUTIVE CLEMENCY. After the board has duly considered an application for executive clemency, and has by majority vote favored a recommendation of executive clemency to the governor, it must pass an order in substance as follows:

"Whereas, the Board of Pardons has officially received an application for executive clemency concerning_____, a convict confined in the state prison (or to one_____, who has been found guilty of an offense committed at_____, in the County of_____, State of Montana, on the____day of_____, 19____, be set apart for the consideration of said executive clemency matter; and all persons having an interest therein desiring to be heard either for or against the

granting of the pardon (or commutation, remission of the fine or forfeiture) are hereby notified to be present at _____ o'clock of said day, at _____.

"Further, ordered that a copy of this order be printed and published in the _____ (here insert name of some newspaper of general circulation in the county where the crime was committed), a daily (or weekly) newspaper printed and published at _____, in the County of _____, once each week for two weeks beginning _____, 19____, and ending _____."

94-9843. PUBLICATION OF ORDER. The board must cause a copy of such order to be published in the newspaper therein designated, at least once a week for two weeks prior to the hearing, and at the same time cause to be deposited in the post office at the seat of the government, postpaid, a copy of said order and notice addressed to the District Judge, County Attorney and Sheriff, respectively, of the county where the crime was committed, and in like manner mail a copy of the order to the petitioner and the convict.

94-9844. PROOF OF PUBLICATION. Prior to the time set for hearing, proof of the publication of notice must be made by the publisher or managing agent.

94-9845. RECORD OF MEETING, WHAT TO CONTAIN. At the hearing the board must cause to be kept a record showing:

1. The names of all persons appearing before the board on behalf of the person pardoned by the governor;
2. The names of all persons appearing before the board in opposition to the granting of the same;
3. The testimony of all persons giving evidence before the board;
4. That the affidavit and return from the printer of the publication of the notice and order of hearing was on file prior to the hearing.

94-9846. WHEN PUBLICATION NOT NECESSARY. No publication need be made as provided in Sections 94-9842, 98-9843 and 94-9844, in the following cases:

1. When there is imminent danger of the death of the person convicted or imprisoned.

2. When the term of imprisonment of the applicant is within ten (10) days of its expiration.

94-9847. DECISION TO BE MADE. Within thirty (30) days after the hearing of any case, the board must make a decision in writing, and if such decision be made to recommend executive clemency, the copy of the decision, together with all papers used in each case, shall be immediately transmitted to the governor.

94-9848. GOVERNOR MAY RESPITE. The governor has the power to grant respite, after conviction and judgment, for any offenses committed against the criminal laws of the state, for such time as he thinks proper.

94-9849. GOVERNOR TO REPORT TO LEGISLATIVE ASSEMBLY. The governor must communicate to the legislative assembly at each regular session, each case of remission of fine or forfeiture, reprieve, commutation or pardon granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of remission, commutation, pardon or reprieve, with the reason for granting the same, and the objection, if any, of any of the members of the board made thereto.

94-9850. CASES OF JUVENILES EXCLUDED. The provisions of this act shall not apply to probation in the juvenile courts or to parole from state institutions for juveniles.

94-9851. EFFECTIVE DATE - APPLICATION TO PERSONS PRESENTLY ON PAROLE OR PROBATION OR ELIGIBLE FOR. This act shall be in full force and effect from April 1, 1955. The provisions of this act are hereby extended to all persons who, at the effective date hereof, may be on probation or parole, or eligible to be placed on parole or probation under existing laws, with the same force and effect as if this act had been in operation at the time such persons were placed on probation

or parole or became eligible to be placed thereon, as the case may be, provided that no person convicted and sentenced before the effective date hereof shall have his rights and earned good time produced by the application of this act.

SPECIAL

THE NEW PROPOSED MONTANA CRIMINAL CODE IF ADOPTED BY FORTY-THIRD LEGISLATIVE ASSEMBLY

The following draft has been numbered but not otherwise changed. The following Title 95:

Chapter 28. PROBATION, PAROLE AND CLEMENCY. 95-2801 through 95-2830.

PRINCIPAL GOALS

1. The primary objective of the State Board of Pardons is the protection of society through rehabilitation, by aiding the offender without dichotomy. Society can be protected by providing services to treat and/or aid the offender in the community. The need for specialized treatment to cure as well as prevent criminal behavior is mandatory to correct the deviant behavior pattern. It is understandable that all offenders should not be given liberty; therefore, the Board thinks first of community protection and will not parole an offender if they have any reason to believe that he would be dangerous.

2. Properly inform the public and familiarize the people with the programs and objectives of adult probation and parole. Civic, religious, fraternal, schools, and particularly labor unions, business, industry and state agencies, should be informed and encouraged to support correctional programs and to help

reintegrate the offender. The public's stake in adult probation and parole system is obvious. Some of these elements have demonstrated some interest but still must be further stimulated and expanded.

3. To provide full and just treatment for all offenders, regardless of their race, color or creed.

4. Arrive at decisions in conformity with national and state statutes, constitutions and court decisions.

PROGRAM INVENTORY AND COST SUMMARY

<u>PROGRAM</u>	<u>ACTUAL COST FOR FISCAL YEAR ENDING 6-30-71</u>
Supplies and Materials.....	\$ 2,562.00
Communications.....	7,021.00
Utilities.....	640.00
Travel.....	24,778.00
Contracted Services.....	714.00
Special Fees.....	781.00
Repairs and Maintenance.....	462.00
Capital Equipment.....	<u>2,042.00</u>
	\$ 39,000.00
Salaries and Wages.....	96,429.00
Employee Benefits.....	<u>10,633.00</u>
	<u>107,065.00</u>
TOTAL PROGRAM.....	<u><u>\$146,065.00</u></u>

MAJOR ACCOMPLISHMENTS

1. Reduced our average caseload per officer from 80 per month to 69.4 per month in the last fiscal year.

2. Increased existing services to Montana's judicial district courts, law enforcement agencies and state agencies by adding three additional field parole officers to the staff.

3. We supervised more probationers and parolees than the previous year without any notable increase in the recidivism rate.

EXPLANATION OF ACCOMPLISHMENTS

All three major accomplishments of the Board this year have been due to one main factor: The increase in the number of state probation and parole field officers. Three new male adult field officers have been added to the staff to compensate for the division of some of our larger areas and areas with higher caseloads. District 1 has been divided into Districts 1 and 11. A new officer stationed in Billings has District 1. The old officer is stationed in Livingston and has District 11. District 2 has been divided into Districts 2 and 12. The new officer has District 12 and is stationed in Glendive. The old officer has District 2 and is in Miles City. District 6 has been divided into Districts 6 and 10. The new officer has District 10; the old officer has District 6.

In addition to the three male officers, two female adult probation and parole officers have been added to our staff. Each girl has approximately one-half of the state and is in charge of all female parolees and probationers. In addition, each assists with the male caseload in the area where she is stationed. The female officer for the Eastern District is stationed in Billings and assists the males in Districts 1 and 9. The female officer in the Western District is stationed in Helena and assists the male officer for District 8.

Increasing the number of probation and parole officers in the field automatically decreased travel distances, allowing more time for the officers' better performance of duties to courts, law enforcement and other state agencies (Accomplishment 2). Decreasing the caseload allowed for more releases with proper supervision without any appreciable increase in our recidivism rate.

It must be noted that there is still a great need for additional workers in the field, whether paid professionals or volunteers. They must be available for assignment when needed. To complement the increased number of workers in the field, an additional clerk-typist will be required at the central office to facilitate the increased work load.

MAJOR RECOMMENDATIONS

1. The acquisition of an education and training officer to be responsible for job orientation, in-service training and staff development.

2. A sound volunteer parole and probation counselor program to assist the efforts of the Board.

3. A no-interest loan program for the new releasee to temporarily provide him with emergency needs that may develop.

4. A statistical and evaluative research project to obtain information that will provide the Board with valuable statistical data for accountability and project some guidelines for the future.

5. To complement the increased workers in the field, we will need an additional clerk-typist in the central office for the additional work overflow.

EXPLANATION OF MAJOR RECOMMENDATIONS

Purpose of Recommendations.

This program will provide additional training and collary resources to meet the demands on the probation and parole system caused by the extensive use of

probation by the courts and the increased practice of releasing good risk inmates. This program will also include an in-depth evaluation of the probation and parole system since its inception in 1955.

Required Implementation Action.

The proposed subgrants submitted to the Governor's Crime Commission for approval of necessary funds.

(a) The changing concepts and new procedures that are constantly directed to the correctional field necessitate a strong and continuing program of basic and in-service training for the adult probation and parole officer. The Board of Pardons anticipates the acquisition of an education and training officer to be responsible for job orientation, in-service training and staff development in Deer Lodge, Montana. A formal program of continuing correctional education and training, including review and evaluation of caseloads, will be the prime responsibility of this person. This will be the foundation implementing a volunteer probation counselor program.

(b) The present caseloads and the investigative requirements for the adult probation and parole officer prevents him from doing an adequate job. A sound volunteer probation and parole counselor program will measurably assist the efforts of the Board of Pardons by reducing the number of parole officers needed over the next three years.

A pilot program for volunteer service is now being studied in District 11. It will be organized and inspired in conjunction with the Board of Pardons, the field officers in that district and a local advisory committee made up of local citizens from different aspects of life (ministers, lawyers, college professors, social workers, businessmen, etc.). This program will run for one year. It should give us a good understanding and the proper methods to use in setting up and operating a volunteer program. Upon the pilot program's conclusion, with

valid evaluation, we will hopefully be able to establish a statewide program with a high success ratio. The professional parole officer will receive formal schooling and training to prepare him for his new role. The volunteers would receive formal training and supervision and will not exceed a one to one volunteer to parolee ratio. The program will be evaluated from time to time to determine effectiveness, necessary changes in the methods of operation and appropriate degrees of volunteer responsibility.

(c) Each inmate upon release from Montana State Prison receives a standard sum of \$25.00 in addition to savings from prison earnings which may vary from 10¢ to 50¢ per day. The total amount rarely exceeds \$50.00 and is inadequate to cover transportation costs for return to his community, clothing, board and room and the basic employment needs such as tools and work clothing. These programs will provide the new releasee with a no-interest loan to meet these basic necessities. The budget will be prepared by his parole officer and the releasee will sign a promissory note for repayment.

(d) Montana will be in need of reorganization of the current adult probation and parole system which was instituted in 1955. The Board of Pardons must know what they have accomplished since that time for future planning and possible legislative proposals. A statistical and evaluate research project conducted by consultants specializing in corrections will provide knowledge of the types and rates of recidivism, significant changes and determining factors for standards, legislation and caseloads.

SUBGRANT DATA

It is anticipated that three to four subgrants ranging from \$3,000.00 to \$15,000.00 will be made to the Montana Board of Pardons to undertake the four mentioned programs.

A subgrant of \$15,000.00 will provide for the establishment of a staff development officer who will be responsible for the basic and in-service training of 15 probation and parole officers and 75 to 100 volunteer probation counselors.

It is contemplated that one subgrant not to exceed \$5,000.00 will be submitted by the Board of Pardons to implement the 75 to 100 volunteer probation counselor program.

At least \$3,000.00 will be made available for the establishment of a no-interest emergency loan program for parolees released from prison who are indeed in need of financial help.

It is also anticipated that an estimated \$10,000.00 will be made available to the Board of Pardons for a statistical and evaluative research project on the past activities and accomplishments of the Board of Pardons.

BUDGET

	<u>1st Year</u>	<u>2nd Year</u>
(1) State Support	\$23,100.00	\$7,600.00

PAST PROGRESS

Last year the Board of Pardons received a subgrant to assist them in the employment of two female parole and probation officers. These officers have as their responsibility the care of most females on parole and those on probation from district courts in Montana, and plans are being formulated to supervise a special caseload of the young adult parolees from the Montana State Prison. The program at this time is too new to secure an adequate evaluation. (Will be completed on or about October, 1971.)

1970 Program Number F-3 originally contemplated \$8,000.00 for upgrading the criminal justice system within Indian reservations. To date, the state planning agency has been unable to initiate specific projects under the program.

PROGRAM DESCRIPTIONS

SERVICES PROVIDED:

GOVERNOR'S INVESTIGATING AGENCY

I.

The Board of Pardons administers adult probation for all of Montana's eighteen judicial districts and twenty-six judicial district judges and furnishes the counties with requisite services.

1. "Probation" is the release by the court without imprisonment, except as otherwise provided by law, of a defendant found guilty of a crime upon verdict or plea; subject to conditions imposed by the court and subject to the supervision of the Board upon direction of the court.

2. "Parole" is the release to the community of a prisoner by the decision of the Parole Board prior to the expiration of his term, subject to the conditions imposed by the Board and subject to its supervision.

3. "Executive clemency" refers to the powers of the governor as provided by section of Article VII of the Constitution of the State of Montana.

II.

"Interstate Compact." In 1934 Congress authorized agreements or compacts among the states for cooperative effort and mutual assistance in the prevention of crime. Since then, each of the fifty states, plus Puerto Rico and the Virgin Islands, has become signatory to an interstate compact for the supervision of parolees and probationers.

The primary purpose of the Interstate Probation and Parole Compact was to discourage the practice of "sundown probation or parole," i.e., release conditioned upon leaving the jurisdiction, never to return and without thought given to supervision. That practice was, of course, self-defeating and a denial of the fundamental goal of probation and parole to end criminal careers through the rehabilitation of those convicted of crime.

OBJECTIVES:

1. To establish and/or reduce the recidivism rate of adult probationers and parolees by upgrading the guidance-counseling service with local volunteers and more community involvement, during the period of July 1, 1971, to June 30, 1973.
2. Reduce the adult probation and parole field officer caseload to meet Federal and national standards, during the period of July 1, 1971, to June 30, 1973.
3. Re-evaluate the role of the adult probation and parole field officer as it relates to the Judicial District Court and the community during the period of July 1, 1971, to June 30, 1973.
4. Upgrade the adult probation and parole officer's efficiency and performance. Increasing the number of officers and their qualifications according to Federal and national preferred standards during the period of July 1, 1971, to June 30, 1973.
5. The need to develop guidelines for the employment of an ex-offender in the adult probation and parole field.

TARGET GROUPS:

1. Probationer. Probation is a treatment program in which final action in an adjudicated offender's case is suspended or deferred, so that he remains at liberty, subject to conditions imposed by or for court, under the supervision and guidance of a probation-parole worker.
2. Parolee. Parole is a treatment program in which an offender, after serving part of a term in a correctional institution, is conditionally released under supervision and treatment by a probation-parole worker.

It is the persons on probation and parole with whom the Montana Board of Pardons are concerned. These are people who constitute the "Target Groups" of the Montana Board of Pardons.

ACHIEVEMENTS:

1. Received a substantial increase in our budget for the 1971 biennium (1971-1972). The Forty-second Legislative Assembly approved a forty-three per cent increase over the last biennium.
2. Added four (4) probation and parole officers permanently to our staff that had been assigned to us from the Department of Institutions on a temporary work assignment basis.
3. We have bought and distributed one polaroid camera to each probation and parole officer. This enables him to be more efficient in his record keeping and have an accurate description of each person in his case file.

COST AND PERFORMANCE SUMMARY

Total Cost Fiscal Years 1971-72, Biennium Ending 6-30-73

	Year Ending June 30, 1972	Year Ending June 30, 1973
Personal Services	\$168,251.00	\$174,166.00
Federal Funded Personal Services	23,100.00	7,600.00
Operation and Capital	55,599.00	53,684.00
Federal Funded Operation and Capital	7,400.00	7,000.00
TOTAL	\$254,350.00	\$242,450.00

	1968-69	Fiscal Years 1969-70	1970-71
Cost Performance Summary	\$140,000.00	\$139,500.00	\$146,200.00

In Prison Per Person			
Per Day	\$ 11.56	15.92	17.29
Per Year	4,219.40	5,810.80	6,310.85
On Parole Per Person			
Per Day	.66	.54	.37
Per Year	216.00	197.06	133.78

PROJECTED COST FOR BIENNIUM ENDING JUNE 30, 1974
FISCAL YEAR 1972-1973

Personal Services.....	\$393,210.00
Federal Fund Personal Services.....	40,000.00
Operations and Capital.....	149,800.00
Federal Fund Operations and Capital.....	<u>25,000.00</u>
Grand Total.....	<u>\$608,010.00</u>

The population of Montana State Prison averaged 260 per month (see Table II), compared with 363 per month the previous year. The average monthly case-load for Board of Pardons continued to increase. This year, it is 910 cases (see Table III) per month, compared with 723 cases per month for last year.

Adult probation and parole cannot and must not remain stagnant. The changing of rules of procedures is important, but it is only through changing the hearts and minds of men intimately concerned with the enforcement of these rules that progress can be made. This we are attempting to do. Whether we succeed or not, only time will tell.

We are proud of our many accomplishments; we realize there is still much to be done in meeting our objectives.

PAROLE DATA DURING FISCAL YEAR
ENDING JUNE 30, 1971

One hundred per cent of the inmates paroled have been credited for more than the minimum time required by law. Twenty-four per cent (24%) served all of their sentence without parole. More than sixty-seven per cent (67%) of those paroled are in good standing or have successfully completed parole. Thirty-three per cent (33%) of the paroles were revoked. These percentages above remained

relatively stable for a number of years as the crime in Montana and the nation continued to spiral upward. Therefore, it is reasonable to say that the parolee is not the major cause of the increased crime rate.

GENERAL FACTORS IN PAROLE SELECTION

The granting of a parole rests in the discretion of the Parole Board. In general, it is granted where, in the judgment of the Board, a prisoner who has made a satisfactory adjustment and is otherwise eligible, will avoid the violation of law, and when the factors which will affect him and his dependents upon release assure adequate public security. These factors vary in every case. The Board evaluates each case on its merits and acts, as its judgment indicates, to grant or to continue the case to a later date.

The following are some of the factors that are considered by the Board in its decision making:

A. Sentence Data.

1. Type of sentence.
2. Length of sentence.
3. Recommendations of Judge, County Attorney and other responsible officials and citizens.

B. Facts and Circumstances of the Offense.

1. Mitigating and aggravating factors.
2. Activities following arrest and prior to confinement, including adjustment on bond or probation, if any.

C. Prior Criminal Record.

1. Nature and pattern of offense(s).
2. Adjustment to previous probation, parole and confinement.
3. Detainers.

D. Changes in Motivation and Behavior.

1. Changes in attitude and toward self and others.
2. Reasons underlying changes.
3. Personal goals, motivation and resources available.

E. Personal and Social History.

1. Family and marital.
2. Education - academic and vocational.
3. Employment and military experience.
4. Physical and emotional health.

F. Institutional Experience.

1. Program goals and accomplishments.
 - (a) Religion.
 - (b) Therapy.
 - (c) Vocational training or work assignments.
 - (d) Academic.
 - (e) Recreation and leisure time use.
2. General adjustment.
 - (a) Inter-personal relationships with staff and peers.
 - (b) Behavior, improvement and misconduct.
3. Physical and emotional health and treatment.

G. Community Resources.

1. Residence - family, friends or A.A. facility.
2. Employment - work, training or academic.
3. Special needs - hospitalization, Halfway House.

.....

PROJECT COSTS BY OBJECT OF
EXPENDITURE AND SOURCE OF FUNDINGS
1972 Fiscal Year

(Program)

Object of Expenditures	
Personal Services.....	\$191,351.00
Operations and Capital.....	62,999.00
Grants and Benefits.....	
Total Expended.....	<u>\$254,350.00</u>
Source of Funding	
General Fund.....	\$223,850.00
Federal and Private Revenue Fund.....	<u>30,500.00</u>
Total Funding.....	<u>\$254,350.00</u>

TABLE I
CASELOAD OF PAROLE BOARD FOR FISCAL YEAR
Ending June 30, 1971

	Interviews	Parole Revocation Hearings	Reparoled	Public Hearings	Discussion Cases	Total
July, 1970	57	12	3	1	14	84
August- September, 1970	50	14	2	2	15	81
October, 1970	25	11	0	1	13	50
November- December, 1970	62	11	2	2	5	80
January- February, 1971	48	9	3	0	8	66
March- April, 1971	52	7	1	0	13	72
May, 1971	23	10	3	0	9	42
June-July, 1971	—	—	<u>1</u>	—	—	—
TOTALS	317	74	15	6	77	476

TABLE II

	<u>Paroled From Prison</u>	<u>Discharged From Prison</u>	<u>Prison Population</u>
July, 1970.....	33	10	259
August, 1970.....	18	4	264
September, 1970.....	25	9	247
October, 1970.....	16	1	263
November, 1970.....	11	4	266
December, 1970.....	33	4	259
January, 1971.....	12	7	261
February, 1971.....	28	8	254
March, 1971.....	9	6	263
April, 1971.....	27	3	255
May, 1971.....	12	3	259
June, 1971.....	<u>13</u>	<u>5</u>	<u>274</u>
TOTALS.....	237	64	3,124

Average Per Month 260

TABLE III
CASELOAD OF FIELD OFFICERS

	MONTANA		OUT OF STATE IN MONTANA		Total
	Parole	Probation	Parole	Probation	
July, 1970.....	223	513	40	72	848
August, 1970.....	220	508	39	69	836
September, 1970.....	236	542	44	70	892
October, 1970.....	230	551	50	67	898
November, 1970.....	213	557	55	74	899
December, 1970.....	224	547	57	71	899
January, 1971.....	233	566	51	78	928
February, 1971.....	237	566	52	73	928
March, 1971.....	232	568	53	79	930
April, 1971.....	227	575	53	79	934
May, 1971.....	228	599	58	81	966
June, 1971.....	<u>218</u>	<u>608</u>	<u>60</u>	<u>84</u>	<u>970</u>
TOTALS.....	2,721	6,700	612	897	10,928

TABLE IV

REPORTS RENDERED BY FIELD OFFICERS DURING FISCAL YEAR

Ending June 30, 1971

	<u>Field Inv.</u>	<u>Pre-Sent. Inv.</u>	<u>Pre-Rel. Inv.</u>	<u>Prob. Inv.</u>	<u>Viol. Inv.</u>	<u>Exec. Clem.</u>	<u>Total</u>
July, 1970.....	4	24	28	30	70	0	156
August, 1970.....	2	24	40	25	42	2	135
September, 1970.....	4	32	44	52	59	0	191
October, 1970.....	3	26	23	44	58	1	155
November, 1970.....	9	24	33	34	50	1	151
December, 1970.....	5	38	35	41	64	3	186
January, 1971.....	2	34	28	43	48	1	156
February, 1971.....	1	33	32	39	63	4	172
March, 1971.....	4	35	42	53	65	5	204
April, 1971.....	3	39	32	46	57	2	179
May, 1971.....	3	25	25	69	47	1	170
June, 1971.....	<u>1</u>	<u>29</u>	<u>35</u>	<u>38</u>	<u>67</u>	<u>1</u>	<u>171</u>
TOTALS.....	41	363	397	514	690	21	2,026

TABLE V

	<u>Commutation</u>	<u>Pardon</u>
July, 1970.....	2	1
August, 1970.....	0	1
September, 1970.....	0	0
October, 1970.....	0	4
November, 1970.....	1	0
December, 1970.....	1	4
January, 1971.....	0	0
February, 1971.....	0	3
March, 1971.....	0	0
April, 1971.....	0	5
May, 1971.....	0	4
June, 1971.....	<u>0</u>	<u>0</u>
TOTALS.....	4	22

TABLE VI

	Successful Parole <u>Cases (Discharged</u>	<u>Discharge From</u> <u>Supervision</u>
July, 1970.....	13	6
August, 1970.....	7	4
September, 1970.....	10	10
October, 1970.....	13	4
November, 1970.....	10	2
December, 1970.....	5	4
January, 1971.....	19	4
February, 1971.....	5	4
March, 1971.....	15	1
April, 1971.....	10	7
May, 1971.....	7	6
June, 1971.....	<u>17</u>	<u>1</u>
TOTALS.....	131	53

FISCAL YEAR JULY 1, 1970, THROUGH JUNE 30, 1971

<u>County</u>	<u>Number Paroled</u>	<u>County</u>	<u>Number Paroled</u>	<u>County</u>	<u>Number Paroled</u>
Beaverhead	6	Granite	1	Powell	5
Big Horn	1	Hill	6	Prairie	0
Blaine	1	Jefferson	5	Ravalli	0
Broadwater	2	Judith Basin	0	Richland	1
Carbon	0	Lake	7	Roosevelt	1
Carter	0	Lewis & Clark	23	Rosebud	1
Cascade	30	Liberty	0	Sanders	1
Chouteau	1	Lincoln	1	Sheridan	0
Custer	5	McCone	0	Silver Bow	11
Daniels	0	Madison	2	Stillwater	0
Dawson	1	Meagher	4	Sweet Grass	0
Deer Lodge	17	Mineral	0	Teton	0
Fallon	1	Missoula	18	Toole	0
Fergus	1	Musselshell	0	Treasure	0
Flathead	6	Park	1	Valley	3
Gallatin	4	Petroleum	0	Wheatland	0
Garfield	0	Phillips	0	Wibaux	0
Glacier	4	Pondera	1	Yellowstone	22
Golden Valley	0	Powder River	0		
Totals	80		69		45

Paroled In State.....	194
Paroled Out of State.....	<u>43</u>
GRAND TOTAL.....	237

B. C. Miles, Director
Interstate Compact Administrator
Deer Lodge, Montana

George M. Cuff, Assistant Director
Deer Lodge, Montana

John O'Blizalo, Institutional Parole Officer, Deer Lodge

WESTERN DIVISION

#6 - Ralph Fisher, Supervisor
Missoula

West. Div. - Judith Erdahl, P. O. I
Helena

#5 - Wilbur F. Walter, P. O. II
Kalispell

#8 - Donald A. Anderson, P. O. II
Butte

#10 - Robert D. Dunham, P. O. I
Missoula

#11 - Eugene G. Bond, P. O. I
Livingston

EASTERN DIVISION

#4 - J. H. Baumgart, Supervisor
Great Falls

East. Div. - Kay Branscum, P. O. I
Billings

#7 - Everett Nielsen, P. O. I
Great Falls

#2 - Sam Wilson, P. O. I
Miles City

#3 - A. J. Marra, P. O. II
Havre

#1 - H. E. Korber, P. O. II
Billings

#12 - James L. Bennett, P. O. I
Glendive

#9 - K. F. Gillam, P. O. I
Billings

MONTANA

